



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAR -2 2004

Paper No. 26

In re Application of  
Clinton O. Fruitman  
Application No. 09/008,148  
Filed: January 16, 1998  
Attorney Docket No. 29131.0217

: DECISION ON PETITION

:

This is a decision on the petition filed by facsimile transmission on January 13, 2004 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to pay the issue fee. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is dismissed.

Petitioner alleges that the issue fee was not paid because the Notice of Allowance mailed on June 30, 2003 was not received. However, petitioner has not made a showing pursuant to the Notice published at 1156 OG 53, as discussed in MPEP § 711.03(c), in order to establish nonreceipt of the Notice of Allowance. Although it appears from the record that it is possible that the Notice of Allowability may have been mailed separately from the Notice of Allowance, such is not the usual course, and petitioner is required to establish nonreceipt of the Notice of Allowance in accordance with the above mentioned Notice.

Petitioner may file a renewed petition, directed to the attention of the undersigned and without fee. The renewed petition should contain a showing that establishes nonreceipt of Office correspondence as set forth in the Notice published at 1156 OG 53, and as discussed in MPEP § 711.03(c). The renewed petition must be filed within two months of the date of this decision. See 37 CFR 1.181(f).

PETITION DISMISSED.

E. Rollins Cross, Director  
Technology Center 3700

Snell and Wilmer  
One Arizona Center.  
400 East Van Buren  
Phoenix, AZ 85004-2202